

REMARKS

Claims 1-20 are pending in the current application. Claims 1-20 stand rejected, and claims 1, 9, and 20 are currently amended. Reconsideration in light of the preceding amendments and following remarks is kindly requested.

Rejections under 35 U.S.C. § 102

Claims 1, 2, 9 and 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US Pat 6,501,745 to Turina et al. (“Turina”). Applicant respectfully traverses these grounds of rejection.

With regard to claims 1, 9, and 20, the Examiner states that Turina teaches each and every element of these claims. Applicant respectfully submits that claims 1, 9, and 20 have each been amended to recite that **“only control signal data”** is transmitted over the control channel; that is, the control channels are not used or configured as traffic channels. The claims have further been clarified to recite that the **control channels have “physical structure and data arrangement” corresponding to this control data**, such that there are physical differences between the recited control channels and other channels, such as a traffic channel. Turina teaches a **single channel carrying multiple data types**, and is silent with regard to changing the structure or data arrangement within the one commonly-used channel. *See* Col. 3, ll. 51-57; Col. 4, ll. 50-56. Thus, Turina’s channel is not a control channel carrying only control data structures, nor is the channel in any way changed based on the carried control data structures as recited in claims 1, 9, and 20.

Because Turina fails to disclose each and every element of claims 1, 9, and 20, Turina cannot anticipate or render obvious claims 1, 9, and 20. Claims 2-8, and 10-19 are allowable

at least for depending from an allowable base claim. Withdrawal of the rejection to claims 1, 2, 9, and 20 under 35 U.S.C. § 102(e) is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 3-8 and 10-19 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over Turina, in view of US Pat Pub2002/0093953 to Naim et al. ("Naim"). Applicant respectfully traverses these grounds of rejection.

Naim does not cure the disclosure and suggestion deficiencies of Turina discussed above, nor does the Examiner rely on Naim for doing so. Specifically, Naim does not teach use of a control channel carrying only control data or modification of the control channel based on the control data carried. Because Turina, alone or in combination with Naim, fails to teach or suggest each and every feature of claims 1, 9, and 20 as discussed above, Turina and Naim cannot anticipate or render obvious claims 1, 9, and 20. Claims 2-8, and 10-19 are allowable at least for depending from an allowable base claim 1 or 9. Withdrawal of the rejection to claims 2-8 and 10-19 under 35 U.S.C. § 103(a) is respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-20 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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